

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Mark Donaldson

FOR : NOISE CANCELLATION SYSTEM AND  
HEADPHONE THEREFOR

SERIAL NO. : 10/520,036

FILED : December 28, 2004

LAST OFFICE ACTION : April 11, 2008

EXAMINER : Mei, Xu

GROUP ART UNIT : 2615

ATTORNEY DOCKET NO. : 21964.27900

**Customer #26781**

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**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this **TRANSMITTAL OF ISSUE AND PUBLICATION FEE AND COMBINED DECLARATION AND POWER OF ATTORNEY** is being deposited via EFS-Web electronic filing to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the following date:

December 23, 2008 /s/ Cheryl A. Martin  
Date Cheryl A. Martin

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**TRANSMITTAL OF ISSUE AND PUBLICATION FEE AND COMBINED  
DECLARATION AND POWER OF ATTORNEY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Allowability dated September 23, 2008, Applicant encloses the Issue Fee Transmittal form where Deposit Account No. 501210 in the amount of \$1055.00 to cover the issue and publication fee, is being used to pay the fee. And a fee of \$65.00 to cover the cost of late filing of the Combined Declaration and Power of Attorney. The total amount of fees being paid at this time is \$1,120.00.

Applicant also encloses a fully executed Combined Declaration and Power of Attorney as requested by the Examiner, Mei, Xu.

**ASSERTION OF SMALL ENTITY UNDER 37 CFR 1.27**

Applicant hereby asserts that it is a small business concern and, thus, is entitled to pay only small entity fees.

Please charge any additional fees or credit payment to Deposit Account No. 501210.

Applicant hereby requests any additional extensions of time that may be necessary and authorize extension of time fees to be charged to Deposit Account No. 501210.

Respectfully submitted,

**BROUSE MCDOWELL**

December 23, 2008

Date

/s/ John M. Skeriotis

John M. Skeriotis, Esq.

Reg. No. 43,129

Telephone No.: (330) 535-5711

Fax No.: (330) 253-8601

**Customer #26781**